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JOHN DAN MACKINNON
1266 BRYDGES ST. APP. 7
LONDON ON N5W 2C3 CA CANADA

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In re Application of
John Dan Mackinnon
Application No. 10/084,805
Filed: February 28, 2002
Title: PULL HANDLE FOR INVALID
WALKERS

OFFICE OF PETITIONS

LETTER

This is a decision on the letter received on October 14, 2004, which sets forth that the above identified application is not abandoned.

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed December 1, 2003, which set a shortened statutory period to reply for one (1) month. On December 30, 2003, a one-month extension of time was received. No further extensions of time under the provisions of 37 CFR 1.136(a) were received. Accordingly, the above-identified application became abandoned on February 2, 2004. A Notice of abandonment was mailed on September 21, 2004.

Petitioner asserts that several responses were sent subsequent to December 1, 2003. The electronic record has been reviewed, and it is clear that three responses were received subsequent to December 1, 2003. On December 30, 2003, the above-mentioned extension of time was received. Two more responses were received subsequent to the abandonment of this application; on March 29, 2004, a letter was received which referred to the Examiner as a "terrible terrible person" and demanded that this letter be distributed to every Office employee, and on March 31, 2004, a letter was received which discussed a discrepancy in financial matters. At no time prior, or subsequent to the abandonment of this application, has Petitioner submitted the proper response to the restriction requirement, in that Petitioner has failed to elect a single species for examination.

In order to revive this application, Petitioner must:

1. Elect either group 1 or group 2, as set forth in the restriction requirement of December 1, 2003, and
2. File a petition under either 37 C.F.R. §§1.137(a) or 1.137(b).

Petitioner may read about these two types of petitions here:

http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c.

See portion 2(c), entitled "Unintentional and Unavoidable Delay."

The forms for these two types of petitions may be downloaded here:
<http://www.uspto.gov/web/forms/index.html>.

See forms PTO/SB/61 and PTO/SB/64, respectively.

The fees associated with the filing of these petitions, for a small entity, are \$130 for a petition under 37 C.F.R. §1.137(a) and \$685 for a petition under 37 C.F.R. §1.137(b).

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



Paul Sharoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office